THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21525 OF 2005

DATED:4.10.2005

Between:

Gouducheruvu Venkata Reddy

…Petitioner

And

The Joint Collector,

Ananthapur District, Ananthapur and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21525 OF 2005

ORDER:

The land admeasuring Acs.0.69 in S.No.962/1, Acs.1.09 in S.No.978/1 and Acs.2.30 in S.No.973 of Mutyalacheruvu Village was assigned to the petitioner on 4.11.1978. It appears, during verification by the Mandal Revenue Officer, it was found that the land was under possession of third respondent. She claimed that she has purchased the property from the petitioner. If the same is true, such purchase is void and it enables the Mandal Revenue Officer to initiate action under A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 resuming the assigned land from the possession of the transferee and restore the land to original assignee or his/her

legal heirs. Accordingly, the Mandal Revenue Officer initiated action against the petitioner and the third respondent, issued notices and having received no explanation, passed the impugned order dt.3.7.2005 ordering resumption of the land to the Government.

Learned counsel for the petitioner, Sri L.J.Veera Reddy, raised various grounds assailing the orders of the Mandal Revenue Officer. Curiously the Mandal Revenue Officer is not made party in official capacity, except making the present Mandal Revenue Officer in his personal capacity as party for alleged mala fide action on the part of the Mandal Revenue Officer. Be that as it is, the petitioner admittedly filed a writ petition being W.P.No.4194 of 2005 and the same was dismissed as withdrawn as settled out of Court. The said order was passed by this Court on 1.7.2005, whereas the impugned order was passed on 3.7.2005. A point is sought to be raised by the learned counsel that when the petitioner is writ petitioner in W.P.No.4194 of 2005, the Mandal Revenue Officer got it dismissed as settled out of Court with mala fide intention. If that be so, nothing prevented the petitioner to approach the Letters Patent Bench putting the same as ground of appeal. He did not do so. Therefore, this Court is not inclined to entertain the Writ Petition at this stage. It shall, however, be open to the petitioner to approach the jurisdictional Revenue Divisional Officer under Section 4B of the Act within a period of one week, whereupon the appellate authority shall dispose of the matter within a period of two weeks thereafter, after issuing notice to all the concerned. If the petitioner is in possession of the land as on today, as claimed and alleged, there shall be *status quo* for a period of two weeks to enable the petitioner to obtain appropriate orders from the Revenue Divisional Officer. If the land is already resumed to the Government, the authorities can ignore the order of status quo.

The Writ Petition with the above observations and directions is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

4.10.2005

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